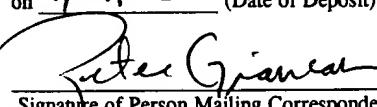




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I hereby certify that this paper and every paper referred to herein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231,
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PETER GIANANA

Printed Name of Person Mailing Correspondence

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TECHNOLOGY CENTER R3700

Docket No.: 01.39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolf, Shane

Serial No.: 09/923,113

Group Art Unit: 3732

Filed: August 6, 2001

Examiner: T. Manahan

For: Stress Relieving Gel Handle Tools For Salon And Spa

ELECTION, AMENDMENT AND REMARKS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed on June 21, 2002, in which election was required by the Examiner, please amend the application as follows:

IN THE CLAIMS:

Renumber the last claim to read "24". This claim was mis-numbered as 23.

REMARKS

Election of Species

According to the office action, figures 5 through 12 of the specification represent patentably distinct species of the claimed invention. The office action has characterized

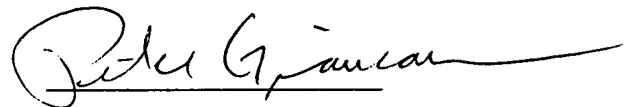
claims 1-10 and 13 as generic. For prosecution, the applicants provisionally elect, **with traverse**, Figure 8 (shears), directed to claims 1-10 and 12-24.

For the record, the Examiner has not met the requirements of MPEP 808, which states,

Every requirement to restrict has **two** aspects: (1) **the reasons** ... why the inventions as claimed are either independent or distinct, and (2) **the reasons** for insisting upon restriction therebetween as set forth in the following sections.

The present office action has failed to place on the record, the required reasonings.

Respectfully submitted,

A handwritten signature in cursive script, reading "Peter Giancana", written over a horizontal line.

Peter Giancana
Reg. No. 44,706
Agent for Applicant
The Estee Lauder Companies Inc.
125 Pinelawn Road
Melville, NY 11747